

Senate Bill 309

By: Senators Hill of the 32nd, Rogers of the 21st and Smith of the 52nd

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to authorization and general requirements for transaction of insurance, so as to provide for legislative intent; to authorize the purchase of health insurance policies from out-of-state insurers; to provide for notices; to authorize the Commissioner of Insurance to conduct certain market conduct and solvency examinations; to authorize the Commissioner of Insurance to adopt certain rules and regulations; to provide for appeals of claims; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to authorization and general requirements for transaction of insurance, is amended by designating the existing text as Article 1 and adding a new article to read as follows:

"ARTICLE 2

33-3-50.

The General Assembly recognizes the need for individuals, employers, and other purchasers of health insurance coverage in this state to have the opportunity to choose health insurance plans that are more affordable and flexible than existing market policies offering accident and sickness insurance coverage. Therefore, the General Assembly seeks to increase the availability of health insurance coverage by allowing insurers authorized to engage in the business of insurance in selected states to issue accident and sickness policies in Georgia.

33-3-51.

The selected out-of-state insurers issuing policies in Georgia shall not be required to offer or provide state-mandated health benefits required by Georgia law or rules and regulations in health insurance policies sold to Georgia residents.

33-3-52.

Each written application for participation in an out-of-state health benefit plan shall contain the following language in boldface type at the beginning of the document:

'This policy is primarily governed by the laws of (insert state where the master policy is filed); therefore, all of the rating laws applicable to policies filed in this state do not apply to this policy, which may result in increases in your premium at renewal that would not be permissible in a Georgia-approved policy. Any purchase of individual health insurance should be considered carefully since future medical conditions may make it impossible to qualify for another individual health policy. For information concerning individual health coverage under a Georgia-approved policy, please consult your insurance agent or the Insurance Department.'

33-3-53.

Each out-of-state health benefit plan shall contain the following language in boldface type at the beginning of the document:

'The benefits of this policy providing your coverage are governed primarily by the laws of a state other than Georgia. While this health benefit plan may provide you a more affordable health insurance policy, it may also provide fewer health benefits than those normally included as state-mandated health benefits in policies in Georgia. Please consult your insurance agent to determine which state-mandated health benefits are excluded under this policy.'

33-3-54.

The Commissioner shall be authorized to conduct market conduct and solvency examinations of all out-of-state companies seeking to offer health benefit plans in this state or who have been given approval to offer health benefit plans in this state. Such examinations shall be conducted in the same manner and under the same terms and conditions as for companies located in this state.

33-3-55.

The Commissioner shall adopt rules and regulations necessary to implement this article, including, but not limited to, determining which health insurance companies located in

55 other states shall be authorized to offer plans to Georgia residents and determining the  
56 manner of approving the health benefit plans offered by such companies.

57 33-3-56.

58 All claims under health benefit plans sold to Georgia residents by out-of-state companies  
59 shall be subject to the provisions of Article 2 of Chapter 20A of this title, and no  
60 out-of-state company seeking to offer health benefit plans in this state shall receive  
61 approval to offer health benefit plans in this state unless such company agrees to comply  
62 with this Code section."

63 **SECTION 2.**

64 All laws and parts of laws in conflict with this Act are repealed.